

Ross, Brian

From: Lawrence, Robert J SPN <Robert.J.Lawrence@usace.army.mil>
Sent: Tuesday, November 10, 2015 9:05 AM
To: Ross, Brian
Subject: RE: Port of Redwood City TBP assessment (UNCLASSIFIED)

Categories: Record Saved - Shared

CLASSIFICATION: UNCLASSIFIED

No worries - I do get them eventually. I just want to be up-to-the-moment. I don't know who started these, and I'm just asking that you include me.

Cheers

-----Original Message-----

From: Ross, Brian [mailto:Ross.Brian@epa.gov]
Sent: Tuesday, November 10, 2015 9:01 AM
To: Lawrence, Robert J SPN <Robert.J.Lawrence@usace.army.mil>
Cc: D'Avignon, Mark R SPN <Mark.R.D'Avignon@usace.army.mil>
Subject: [EXTERNAL] RE: Port of Redwood City TBP assessment (UNCLASSIFIED)

Hi Rob,

I do try to do so! In this case I did not start any of these emails. There were several sitting there in my in-box when I came back to the office yesterday. So apparently you weren't being cc'd for some time, by others as well...

=====
Brian Ross
Dredging & Sediment Management Team, WTR-2-4 U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105
415-972-3475
ross.brian@epa.gov

Note: I cannot receive e-mail attachments greater than 25 MB.
Please contact me in advance to make arrangements to share larger files.

-----Original Message-----

From: Lawrence, Robert J SPN [mailto:Robert.J.Lawrence@usace.army.mil]
Sent: Tuesday, November 10, 2015 8:39 AM
To: Ross, Brian <Ross.Brian@epa.gov>

Cc: D'Avignon, Mark R SPN <Mark.R.D'Avignon@usace.army.mil>
Subject: RE: Port of Redwood City TBP assessment (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Brian,

I would appreciate it if you would include me in these email discussions. I might not have any input, but I'd certainly like to know what's going on. If the Colonel came to me and asked me about the issue, I'd want to say something other than "I don't know anything about it." That would not go over very well.

Thanks in advance,

Rob

-----Original Message-----

From: D'Avignon, Mark R SPN
Sent: Tuesday, November 10, 2015 7:45 AM
To: Ross, Brian <Ross.Brian@epa.gov>
Cc: Lawrence, Robert J SPN <Robert.J.Lawrence@usace.army.mil>
Subject: RE: Port of Redwood City TBP assessment (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Thanks Brian. I'll discuss it with Rob.

Mark

Mark D'Avignon, Fisheries Biologist
U.S. Army Corps of Engineers
S.F. District, Dredged Material Management Office
(415) 503-6806

Blocked<http://www.spn.usace.army.mil/Missions/DredgingWorkPermits.aspx>

-----Original Message-----

From: Ross, Brian [mailto:Ross.Brian@epa.gov]
Sent: Monday, November 09, 2015 3:49 PM
To: D'Avignon, Mark R SPN <Mark.R.D'Avignon@usace.army.mil>
Subject: [EXTERNAL] RE: Port of Redwood City TBP assessment (UNCLASSIFIED)

Hi Mark,

As you'll see from my attached message to Don Snaman, I am certainly NOT saying the post-dredge sampling is not needed. I'm saying we can't yet accept that Jeff C.'s argument over-rides that existing requirement, and we probably won't be able to resolve it immediately. Hence, in my view, the sampling should go forward.

" From: Ross, Brian

Sent: Monday, November 09, 2015 3:27 PM

To: 'Donald Snaman' <dsnaman@redwoodcityport.com>; Jeffrey Cotsifas <cotsifas@pacificecorisk.com>; Mark D'Avignon <Mark.R.D'Avignon@usace.army.mil>

Cc: Goeden, Brenda@BCDC <brenda.goeden@bcdcc.ca.gov>; Christian, Elizabeth@Waterboards <Elizabeth.Christian@waterboards.ca.gov>; Siu, Jennifer <Siu.Jennifer@epa.gov>; Jaclyn Gnusti <jgnusti@moffattnichol.com>; Fink, Jack <JFink@moffattnichol.com>

Subject: RE: Port of Redwood City TBP assessment

Hi Don,

Just to clarify, please don't read anything in the message with Jeff Cotsifas as EPA putting any new or additional conditions on your project. I couldn't do that unilaterally (re. z-layer) even if I wanted to! The discussion with Jeff is about whether new information he has concerning a possible error in the scientific literature might over-ride the existing requirement for the project to do post-dredge z-layer sampling. So far, from EPA's standpoint, it is not clear that the agencies could agree to that without first having a direct discussion with USACE's Engineer Research and Development Center (ERDC). I was not recommending you delay your approved dredging. I hope this helps for now!"

Also, unfortunately you didn't receive the reply I just sent to Jeff because the attached file was too large for USACE to accept. Here is that message without the attachment:

" From: Ross, Brian

Sent: Monday, November 09, 2015 3:19 PM

To: 'Jeffrey Cotsifas' <cotsifas@pacificecorisk.com>

Cc: Mark D'Avignon <Mark.R.D'Avignon@usace.army.mil>; Goeden, Brenda@BCDC <brenda.goeden@bcdcc.ca.gov>; Christian, Elizabeth@Waterboards <Elizabeth.Christian@waterboards.ca.gov>; Siu, Jennifer <Siu.Jennifer@epa.gov>; Jaclyn Gnusti <jgnusti@moffattnichol.com>; Fink, Jack <JFink@moffattnichol.com>; Don Snaman <dsnaman@redwoodcityport.com>

Subject: RE: Port of Redwood City TBP assessment

Hi Jeff,

I see we have some potential confusion to clear up here. You are discussing the Eertman 1995 paper I believe. The other project that questioned the Fluoranthene and B(a)P TRVs in the ERED database were from the Eertman 1993 paper. It is attached here, and does indeed talk about effects on gonadal tissues. In the ERED email string you attached, Justin Wilkins does mention the 1993 paper. We (DMMO) will need to contact him directly to make sure what his various agreements and changes, based on both Eertman papers, will be."

=====

Brian Ross

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San Francisco, CA 94105

415-972-3475

ross.brian@epa.gov

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-----Original Message-----

From: D'Avignon, Mark R SPN [mailto:Mark.R.D'Avignon@usace.army.mil]
Sent: Monday, November 09, 2015 3:37 PM
To: Ross, Brian <Ross.Brian@epa.gov>
Subject: RE: Port of Redwood City TBP assessment (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Hi Brian,

Just so you know, we put a paragraph in our DOP approval about requiring a SAP for post-dredge z-layer testing. We were under the impression the Water Board was going to require it, so we put it in to be thorough. However, we can always tell them to ignore it if it's not needed.

Mark

Mark D'Avignon, Fisheries Biologist
U.S. Army Corps of Engineers
S.F. District, Dredged Material Management Office
(415) 503-6806

BlockedBlocked<http://www.spn.usace.army.mil/Missions/DredgingWorkPermits.aspx>

-----Original Message-----

From: Ross, Brian [mailto:Ross.Brian@epa.gov]
Sent: Monday, November 09, 2015 3:27 PM
To: Donald Snaman <dsnaman@redwoodcityport.com>; Jeffrey Cotsifas <cotsifas@pacificecorisk.com>; D'Avignon, Mark R SPN <Mark.R.D'Avignon@usace.army.mil>
Cc: Goeden, Brenda@BCDC <brenda.goeden@bcdcc.ca.gov>; Christian, Elizabeth@Waterboards <Elizabeth.Christian@waterboards.ca.gov>; Siu, Jennifer <Siu.Jennifer@epa.gov>; Jaclyn Gnusti <jgnusti@moffattnichol.com>; Fink, Jack <JFink@moffattnichol.com>
Subject: [EXTERNAL] RE: Port of Redwood City TBP assessment

Hi Don,

Just to clarify, please don't read anything in the message with Jeff Cotsifas as EPA putting any new or additional conditions on your project. I couldn't do that unilaterally (re. z-layer) even if I wanted to! The discussion with Jeff is about whether new information he has concerning a possible error in the scientific literature might over-ride the existing requirement for the project to do post-dredge z-layer sampling. So far,

from EPA's standpoint, it is not clear that the agencies could agree to that without first having a direct discussion with USACE's Engineer Research and Development Center (ERDC). I was not recommending you delay your approved dredging. I hope this helps for now!

=====

Brian Ross

Dredging & Sediment Management Team, WTR-2-4

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=====

From: Donald Snaman [mailto:dsnaman@redwoodcityport.com]

Sent: Monday, November 09, 2015 2:29 PM

To: Ross, Brian <Ross.Brian@epa.gov>; Jeffrey Cotsifas <cotsifas@pacificecorisk.com>; Mark D'Avignon <Mark.R.D'Avignon@usace.army.mil>

Cc: Goeden, Brenda@BCDC <brenda.goeden@bcdca.gov>; Christian, Elizabeth@Waterboards <Elizabeth.Christian@waterboards.ca.gov>; Siu, Jennifer <Siu.Jennifer@epa.gov>; Jaclyn Gnusti <jgnusti@moffattnichol.com>; Fink, Jack <JFink@moffattnichol.com>

Subject: RE: Port of Redwood City TBP assessment

Hi Brian - The contractor is mobilizing tomorrow, 11/10/15, and we cannot wait until next year due to Corps performing channel maintenance dredging this year. Worst case, we perform the additional testing after this episode. The last-minute conditions are not optimistic for our planning, however, we need to comply with the permits and the conditions.

Thanks - Don

From: Ross, Brian [mailto:Ross.Brian@epa.gov]
Sent: Monday, November 09, 2015 2:18 PM
To: Jeffrey Cotsifas; Mark D'Avignon
Cc: Goeden, Brenda@BCDC; Christian, Elizabeth@Waterboards; Siu, Jennifer; Jaclyn Gnusti; Fink, Jack; Donald Snaman
Subject: RE: Port of Redwood City TBP assessment

Hi Jeff et al.,

We (DMMO) may need to discuss this issue with you in more detail. You are definitely correct that some results in the Eertman paper were incorrectly translated into TRVs. Another dredging contractor team identified the same error earlier this year (not a Bay Area project), and corresponded directly with the ERDC manager for the ERED web site, who agreed with their assessment and promised to update the web site accordingly once he could get to it (see attached email). Specifically, the correction resulted in the reproduction TRV changing to 500 ppb for Fluoranthene and 1,080 ppb for B(a)P.

However, in that instance the focus was on math errors in the calculation of the Fluoranthene and B(a)P reproduction TRVs. There was no discussion that the reproduction TRV (corrected or not) was inappropriate to use. That may in fact be the case, as your memo describes; but ERDC has not confirmed (or been asked to confirm) that.

In the other case, EPA agreed to use the corrected (500 ppb) Fluoranthene value. So I'm confident that we can go at least that far. But at the moment ERDC will still be listing the TRV as being associated with a reproductive effect (reduced gametogenesis). This kind of effect is arguably quite a bit less "indirect" than other biochemical effects such as changes in enzyme activity. I would certainly be interested in ERDC's take on this issue. As EPA told the other contractor, if ERDC agreed with the argument and said they would change the ERED web site accordingly (in this case calling it a "biochemical" or "physiological" effect rather than a reproductive effect), we'd be prepared to go with the change. The contractor on the other project did go over the issue with ERDC and won their agreement.

That would seem to be a reasonable approach in this case as well. (In the short run, just using the corrected Fluoranthene reproduction TRV of 500 ppb would not change the need to do follow-up z-layer work at

Redwood City.) I am not in a position to just presume without going through the process that ERDC would agree “reduced gametogenesis” is not a “reproductive” effect. If the dredging were not to take place until next year there should be time to pursue the matter with ERDC: is there time for that on this project?

=====

Brian Ross

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=====

From: Jeffrey Cotsifas [mailto:cotsifas@pacificecorisk.com]

Sent: Monday, November 02, 2015 4:11 PM

To: Mark D'Avignon <Mark.R.D'Avignon@usace.army.mil>

Cc: Goeden, Brenda@BCDC <brenda.goeden@bcdca.ca.gov <mailto:brenda.goeden@bcdca.ca.gov> >; Christian, Elizabeth@Waterboards <Elizabeth.Christian@waterboards.ca.gov

<mailto:Elizabeth.Christian@waterboards.ca.gov> >; Ross, Brian <Ross.Brian@epa.gov

<mailto:Ross.Brian@epa.gov> >; Siu, Jennifer <Siu.Jennifer@epa.gov <mailto:Siu.Jennifer@epa.gov> >; Jaclyn

Gnusti <jgnusti@moffattnichol.com <mailto:jgnusti@moffattnichol.com> >; Fink, Jack

<JFink@moffattnichol.com <mailto:JFink@moffattnichol.com> >; Don Snaman

<dsnaman@redwoodcityport.com <mailto:dsnaman@redwoodcityport.com> >

Subject: Port of Redwood City TBP assessment

Mark,

As you may recall, the DMMO has requested that the Port of Redwood City (Port) estimate the potential for bioaccumulation of PAHs in Z-layer sediments (i.e., the post-dredge mudline) using the existing sediment and tissue PAH concentration data presented in the Sampling and Analysis Results (SAR) report "Characterization of the Sediment from the Port of Redwood City's Berths 1-4: Results of Dredge Materials Sampling and Analysis" which was presented at the July 8 DMMO meeting. The results of that initial Z-layer assessment were submitted to the DMMO on August 7, 2015.

Effects data were obtained from the Environmental Residue Effects Database (ERED) managed by the US Army Corps of Engineers (USACE) Engineer Research and Development Center (ERDC) to assess potential impacts of PAHs at the post-dredge mudline on the benthic community. The potential for effects was assessed by the development of Toxicity Reference Values (TRVs) using ERED effects data; these TRVs were used as a screening tool to determine the potential for adverse impacts.

It has come to our attention that the effects data extracted from the ERED database that were used to derive the fluoranthene TRV value used in our assessment may be incorrect. Accordingly, we have obtained and reviewed the publication (Eertman et al 1995) that is cited as the source for the questionable data. Attached is a summary of our review as well as a revised Z-layer assessment.

Based on the identification of an error in the ERED database, and the application of a more correct TRV, it appears that there may not be a need to perform post-dredging sampling and testing of the Port of Redwood City Z-layer sediments. I will follow-up and give you a call once you have had a chance to take a look at this.

Please give a call with any questions.

Regards,

Jeff

Jeffrey Cotsifas

President

Pacific EcoRisk

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